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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

GENENTECH, INC.,

Plaintiff,

vs.

THE TRUSTEES OF THE UNIVERSITY OF  
 PENNSYLVANIA, a Pennsylvania non-profit  
 corporation,

Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)

) **JOINT STIPULATION AND**  
 ) ~~PROPOSED~~ **ORDER TO EXTEND THE**  
 ) **DEADLINES FOR (A) COMPLIANCE**  
 ) **WITH A PORTION OF THE COURT'S**  
 ) **NOVEMBER 22 ORDER AND (B) TO**  
 ) **MOVE TO RECONSIDER THE**  
 ) **COURT'S ORDER**

) **Hearing Date: TBD**

) **Time: TBD**

) **Judge: Hon. Magistrate Paul S. Grewal**

1 WHEREAS on December 1, 2010, plaintiff Genentech, Inc. ("Genentech") and defendant the  
2 Trustees of the University of Pennsylvania ("the University") filed a Joint Stipulation and Proposed  
3 Order to Extend the Deadline for Compliance with A Portion of the Court's November 22 Order  
4 (Dkt. No. 45) from November 30, 2010 to December 7, 2010; and

5 WHEREAS the parties had wanted the deadline extension, in part, to discuss whether there is  
6 a way to limit Genentech's production of regulatory materials, other than the BLA Submissions (as  
7 that term is used in the Court's November 22 Order), to avoid the production of irrelevant materials;  
8 and

9 WHEREAS, the parties are still addressing the proper scope for production of the regulatory  
10 materials and believe that an additional extension would benefit their discussion; and

11 WHEREAS, if the parties are unable to reach agreement, Genentech reserves the right to  
12 move for reconsideration of the Court's Order;

13 THE PARTIES THEREFORE AGREE as follows:

- 14 1. The deadline for Genentech to comply with the following sentence in the Court's  
15 November 22, 2010 Order, now set for December 7, 2010 is extended an additional  
16 week to December 14, 2010:

17 "In addition, to the extent there is responsive electronic data other than  
18 the BLA Submissions in Defendant's possession, custody or control  
19 that is responsive to Document Request No. 36, Plaintiff shall either  
20 produce the unredacted data to Defendant by November 30, 2010, or  
21 else file a declaration by that date showing why it cannot do so and  
22 setting forth the earliest possible date that it will be able to do so."

- 23 2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order,  
24 now set for December 7, 2010 is extended an additional week to December 14, 2010.  
25  
26 3. No other provision of the Court's November 22, 2010 Order is changed.  
27  
28

1 SO STIPULATED:

2  
3 Respectfully submitted,

4 Dated: December 6, 2010

SIDLEY AUSTIN LLP

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6  
7 By: /s/  
M. PATRICIA THAYER

8 Attorneys for Plaintiff GENENTECH, INC.

9  
10 Dated: December 6, 2010

IRELL & MANELLA LLP

11  
12 By: /s/  
13 GARY N. FRISCHLING<sup>1</sup>

14 Attorneys for Defendants THE TRUSTEES OF  
15 THE UNIVERSITY OF PENNSYLVANIA.

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28 <sup>1</sup> Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Gary N. Frischling.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The deadline for Genentech to comply with the following sentence in the Court's November 22, 2010 Order, now set for December 7, 2010 is extended an additional week to December 14, 2010:

"In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or else file a declaration by that date showing why it cannot do so and setting forth the earliest possible date that it will be able to do so."

2. The deadline for Genentech to file a Motion for Reconsideration of the Court's Order, now set for December 7, 2010 is extended an additional week to December 14, 2010.
3. No other provision of the Court's November 22, 2010 Order is changed.

SO ORDERED.

Dated: *December 7, 2010*

  
PAUL S GREWAL  
United States Magistrate Judge